

Message Text

LIMITED OFFICIAL USE

PAGE 01 BRASIL 02730 051615Z

ACTION EB-08

INFO OCT-01 ARA-10 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SS-15
NSC-05 /054 W

-----125448 061333Z /53

R 051430Z APR 78

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 6963

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

LIMITED OFFICIAL USE BRASILIA 2730

E.O. 11652: NA

TAGS: EAIR, BR

SUBJECT: AIRWORTHINESS CERTIFICATION OF BANDEIRANTE AIRCRAFT

REF: STATE 60186

1. APRIL 3 CHARGE WAS ASKED TO CALL ON AMBASSADOR PAULO TARSO FLECHA DE LIMA, CHIEF OF ITAMARATY'S DEPARTMENT OF COMMERCIAL PROMOTION, TO RECEIVE AN AIDE MEMOIRE CONCERNING US CERTIFICATION OF BANDEIRANTE AIRCRAFT. THE FOLLOWING IS AN INFORMAL ENGLISH TRANSLATION (BY ITAMARATY):

2. BEGIN TEXT: THE GOVERNMENTS OF BRAZIL AND THE UNITED STATES HAVE SIGNED, ON THE 16TH JUNE 1976, AN AGREEMENT ON THE RECIPROCAL ACCEPTANCE OF AIRWORTHINESS CERTIFICATES ISSUED BY THEIR RESPECTIVE CERTIFICATION AUTHORITIES, THE CENTRO TECNICO AEROSPAZIAL, IN BRAZIL , AND THE FEDERAL AVIATION ADMINISTRATION, IN THE UNITED STATES.

THE CERTIFICATION OF AERONAUTICAL EQUIPMENT MADE IN THE UNITED STATES HAS BEEN NORMALLY PROCESSED IN BRAZIL, AS ESTABLISHED IN THE AGREEMENT.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BRASIL 02730 051615Z

THE SAME DOES NOT OCCUR, HOWEVER, WITH REGARD TO THE ACCEPTANCE, IN THE UNITED STATES, OF CERTIFICATES CORRESPONDING TO BRAZILIAN PLANES. THIS IS SPECIALLY THE CASE WITH THE BANDEIRANTE EMB-110 P2 DESIGNED FOR COMMERCIAL TRANSPORTATION OF PASSENGERS, FOR WHICH THE FAA IS ASKING FOR THE FULFILLMENT OF REQUIREMENTS WHICH WERE SET UP AFTER THE TYPE CERTIFICATION OF THE BASIC MODEL (THE EMB-110), EVEN

THOUGH THE AGREEMENT SIGNED ON THE 16TH OF JUNE STATES, IN 9, H, II, THAT WHAT WILL APPLY TO PRODUCTS CURRENTLY IN PRODUCTION WILL BE "THOSE AIRWORTHINESS REQUIREMENTS EFFECTIVE ON THE DATE OF THE LATEST AMENDMENT OF THE AIRWORTHINESS REQUIREMENTS WHICH WERE REQUIRED TO BE USED FOR THE CERTIFICATION OF THE PRODUCT IN THE EXPORTING STATE OR THOSE AIRWORTHINESS REQUIREMENTS OF THE IMPORTING STATE APPLICABLE TO A SIMILAR PRODUCT CERTIFICATED TO AIRWORTHINESS REQUIREMENTS OF THE SAME DATE".

IT IS WORTH EMPHASIZING THAT THE BRAZILIAN MANUFACTURER, EMBRAER, EVEN THOUGH NOT RELYING ON SPECIFIC AGREEMENTS SUCH AS THE SONE SIGNE D BY BRAZIL AND THE UNITED STATES IN 1976, HAS NOT BEEN FINDING DIFFICULTIES IN OBTAINING THE NECESSARY TYPE CERTIFICATION IN OTHER COUNTRIES ALSO HAVING A LONG ESTABLISHED TRADITION IN THE FIELD OF AERONAUTICAL PRODUCTION AND CERTIFICATION.

BRAZIL IS AN IMPORTANT MARKET FOR THE AERONAUTICAL INDUSTRY OF THE UNITED STATES, AS REGARDS PLANES, EQUIPMENT AND COMPONENT PARTS FOR THEIR PRODUCTION AND SPARE PARTS. THE BRAZILIAN GOVERNMENT CANNOT BUT EXPRESS ITS PREOCCUPATION ABOUT RESTRICTION WHICH BAR THE ACCESS TO THE AMERICAN MARKET FOR PRODUCTS OF THE BRAZILIAN AERONAUTICAL INDUSTRY.

THE BRAZILIAN GOVERNMENT WOULD THEREFORE KINDLY REQUEST THE GOVERN - LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BRASIL 02730 051615Z

MENT OF THE UNITED STATES OF AMERICA TO TAKE THE NECESSARY MEASURES TOWARD PROCESSING AND COMPLETING, IN THE SHORTEST DELAY, THE TYPE CERTIFICATION APPLIED FOR BY EMBRAER TO THE FEDERAL AVIATION ADMINISTRATION.

BRASILIA, THE 29TH MARCH 1978. END TEXT

3. AMBASSADOR FLECHA DE LIMA SAID THAT IT HAD BEEN PLANNED TO BRING THIS MATTER UP DURING THE VISIT OF PRESIDENT CARTER, EITHER AT THE PRESIDENTIAL OR FOREIGN MINISTERS LEVEL. HOWEVER, SINCE THERE PROVED TO BE NO APPROPRIATE OPPORTUNITY, FOREIGN MINISTER SILVEIRA ASKED HIM TO BRING IT UP PROMPTLY AFTER THE VISIT, WITH THE CHARGE.

4. ADDING SOME OBSERVATIONS ORALLY, FLECHA DE LIMA COMPLAINED THAT (1) THE US IS APPLYING RULES DRAFTED FOR BOEING 727'S TO BRAZIL'S SMALL BANDEIRANTE, (2) OTHER COMPARABLE SMALL AIRCRAFT (E.G., OTTERS) HAVE BEE AND CONTINUE TO BE CERTIFICATED FOR COMMUTER AND SHUTTLE USE , (3) BRAZIL CERTIFIES US AIRCRAFT WITHOUT HESITATION BUT THERE IS NO RECIPROCITY. HE SUGGESTED "PRIVATELY" THAT CESSNA'S UNHAPPINESS OVER ITS LACK OF ACCESS TO THE BRAZILIAN MARKET IS A FACTOR IN THE CERTIFICATION PROBLEM.

5. RESPONDING, CHARGE REJECTED CONTENTION THAT US POSITION IS INFLUENCED BY CESSNA PRESSURE, EXPLAINING THAT BRAZIL'S DIFFICULTIES STEM FROM STRINGENCY OF OUR REGULATIONS. HE NOTED THAT USG HAS TRIED TO BE FORTHCOMING AND DESCRIBED IN GENERAL TERMS THE CERTIFICATION POSSIBILITIES (GENERAL, NON-COMMERCIAL AND AIR TAXI USE) AVAILABLE NOW AS OUTLINED REFTTEL. FLECHA DE LIMA SAID HE WAS AWARE THAT THE USG HAD RECENTLY FURNISHED BRAZIL INFORMATION ALONG THESE GENERAL LINES BUT HAD NOT HAD A CHANCE TO EXAMINE OUR POSITION CAREFULLY AND THAT IT HAD NOT BEEN TAKEN INTO CONSIDERATION IN DRAFTING THE AIDE MEMOIRE. HE ARGUED NONETHELESS THAT THE BANDEIRANTE DESERVED BROADER CERTIFICATION, LIKE THE OTTER. (WHEN CHARGE MENTIONED THAT THE "CUSTOMER FIRST" REQUIREMENT SHOULD NOT POSE A PROBLEM, FLECHA DE LIMA

A
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 BRASIL 02730 051615Z

EXPRESSED AGREEMENT.)

6. CONCLUDING MEETING, CHARGE PROMISED TO FORWARD AIDE MEMOIRE TO WASHINGTON, AND PROVIDE FURTHER RESPONSE ASAP. HE ASSURED FLECHA DE LIMA THAT USG IS TRYING TO BE AS HELPFUL AS POSSIBLE IN SOLUTION OF THIS LONG-STANDING PROBLEM IN OUR BILATERAL RELATIONS.

7. ACTION REQUESTED: AS EXPECTED, THIS QUESTION IS NOW RECEIVING HIGH LEVEL ATTENTION IN GOB. PLEASE FURNISH SUGGESTIONS FOR REPLY TO ITAMARATY.
JOHNSON

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIRCRAFT, AIR SAFETY, LICENSES, AIDE MEMOIRE, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BRASIL02730
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780148-1098
Format: TEL
From: BRASILIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780492/aaaaczqi.tel
Line Count: 147
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d1037db6-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 60186
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3073116
Secure: OPEN
Status: NATIVE
Subject: AIRWORTHINESS CERTIFICATION OF BANDEIRANTE AIRCRAFT
TAGS: EAIR, BR, US, BANDEIRANTE
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/d1037db6-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014